

PTO-892: All references are not being furnished with this office action (See MPEP 707.05(a)).

AQ	September 26, 2001, MercExchange Complaint in the United States District Court for the Eastern District of Virginia (the "district court") for patent infringement against eBay, Half.com and Returnbuy.com, Inc. ("eBay et al.") asserting infringement of the '265 Patent and '176 Patent.
AR	November 7, 2001, defendant eBay et al. Answer to MercExchange's Complaint, <i>alleging affirmative defenses of invalidity based on 35 U.S.C. § 102 (anticipation) and § 103 (obviousness)</i> .
AS	November 21, 2001, MercExchange's motion to amend the Complaint to assert willful infringement.
AT	December 7, 2001, district court order granted MercExchange's motion for leave to file an Amended Complaint, and directed defendants to file a responsive pleading within 11 days.
AU	December 18, 2001, eBay et al. answer to the Amended Complaint.
AV	January 23, 2002, MercExchange Interrogatories to eBay seeking the bases of its invalidity defenses.
AW	February 22, 2002, eBay's response to MercExchange's Interrogatories disclosing over 100 patents and 214 so-called "publications" including the following documents: (1) U.S. Patent No. 4,789,928 to Fujisaki (the "Fujisaki Patent"); (2) U.S. Patent No. 5,283,731 to Lalonde et al. (the "Lalonde Patent"); (3) U.S. Patent No. 5,285,383 to Lindsey et al. (the "Lindsey Patent"); (4) U.S. Patent No. 5,424,944 to Kelly et al. (the "Kelly Patent"); and (5) U.S. Patent No. 5,664,111 to Nahan et al. (the "Nahan Patent").
AX	June 28, 2002, eBay's compulsory disclosure under 35 U.S.C. § 282, which included over 165 patents and 500 so-called "publications" including the following documents: (1) the Fujisaki Patent; (2) the Lalonde Patent; (3) the Lindsey Patent; (4) the Kelly Patent; (5) U.S. Patent No. 6,049,785 to Gifford (the "Gifford Patent"); (6) U.S. Patent No. 5,402,336 to Spiegelhoff et al. (the "Spiegelhoff Patent"); (7) the Davis and Lagoze article; and (8) the Keller et al. summary entitled "A Smart Catalog And Brokering Architecture For Electronic Commerce" (the "Keller summary").
AY	August 30, 2002, eBay's Second Supplemental Response to MercExchange's Interrogatories providing additional alleged "prior art" upon which it would rely at trial to support its invalidity defenses under §§ 102 and 103.
AZ	March 21, 2003, eBay's supplemental Section 282 statement citing additional alleged "prior art." Again, this disclosure included the following documents: (1) the Gifford Patent; (2) the Lindsey Patent; (3) the Lalonde Patent; (4) the Kelly Patent; (5) the Nahan Patent; (6) a Fortune magazine article by Kupfer entitled "Software 'Agents' Will Make Life Easier" (the "Kupfer article"); (7) the Keller summary; (8) the Spiegelhoff Patent; (9) a videotape produced by Honicorp, Inc., and narrated by Edwin Newman (the "Honicorp video"); and (10) the transcript to a Today Show segment with Kenneth Nahan, a named inventor of the Nahan Patent.
AAA	March 31, 2003, eBay's Pretrial Disclosures which included its proposed trial exhibit list. <i>That exhibit list contained the same alleged "prior art" patents and "publications" upon which eBay now relies in its Requests for Reexamination.</i>
ABB	April 24, 2003, Final Pretrial Order of the District Court. <i>That Final Pretrial Order included the same materials upon which eBay relies in its Requests for Reexamination.</i>
ACC	February 26, 2003, Judgment And Order executed by the Federal District Court for the Eastern District of Virginia of ReturnBuy.Com, Inc., inter alia, admitting validity and infringement of U.S. Patent No. 5,845,265

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ADD	<i>The district court's Final Pretrial Order included as triable issues the alleged invalidity of MercExchange's '265 and '176 Patents under Sections 102 and 103.</i>
AEE	Jury Verdict of validity and infringement of 41 claims of the '265 and '176 Patents.
AFF	Trial Transcript at 2252-2495, 2584-3120 validity contentions concerning the art of record.
AGG	June 12, 2003, eBay's Renewed Motions for Judgment as a Matter of Law and for a new trial, <i>asserting, again, invalidity of the '265 and '176 Patents.</i>
AHH	August 6, 2003, Final Judgment of the Federal District Court of the Eastern District of Virginia <i>finding that there was substantial evidence supporting the jury's verdict that MercExchange's '265 and '176 Patents were not invalid.</i>
AII	August 20, 2003, eBay's Notice of Appeal with the United States Court of Appeals for the Federal Circuit.
AJJ	January 6, 2004, eBay's Appeal Brief with the Federal Circuit (corrected brief).
AKK	March 31, 2004, MercExchange response to eBay's Appeal Brief (corrected brief).

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AY	<a href="http://search.sothebys.com/about/corporate/as.corphistory.html">http://search.sothebys.com/about/corporate/as.corphistory.html</a>
AZ	Declaration of Choy Heng-Wah Regarding BidBroker Software – an Electronic Auction System filed in <i>MercExchange, LLC v. eBayInc., et al.</i> , Case No. 2:01-CV-736 (E.D. Va) dated March 8, 2002
AAA	Transcript from the videotaped deposition of Perry Blankley taken on June 28, 2002
ABB	Transcript from the videotaped deposition of Jay Mintz taken on June 27, 2002
ACC	<u>Acom Collectors Service Network</u> advertisement
ADD	<u>Coin Trading to Begin on Acom Network</u> , COIN WORLD (June 4, 1986)
AEE	<a href="http://www.webopedia.com/TERM/d/daemon.html">http://www.webopedia.com/TERM/d/daemon.html</a>
AFF	<a href="http://computer.howstuffworks.com/router.htm/printable">http://computer.howstuffworks.com/router.htm/printable</a>
AGG	WAN AND HENG-WAH, <u>Electronic Stamp Auction</u> , rec.collecting.stamps (June 12-15, 1994)
AHH	The Computatelist (January 1993), Vol. 4, No. 1
AII	BANK, <u>Coming to the Cyberworld: Virtual Cash</u> , BUFFALO NEWS (March 15, 1995)
AJJ	<u>The Quick Tour: A Summary of Approaches</u> , EDVENTURE HOLDINGS INC. (January 24, 1995), Vol. 95, No. 1
AKK	<u>The Computer Museum Brings Auction Block to Cyberspace in First Internet Auction</u> , BUSINESS WIRE (March 14, 1994)
ALL	<u>First-Ever Internet Auction Produces Results for the Computer Museum</u> , BUSINESS WIRE (April 28, 1994)
AMM	LUCIANOVIC, <u>Stamp Auction Via Internet?</u> , rec.collecting.stamps (April 21, 1995)
ANN	WILSON, <u>Gallery Hopping On-Line</u> , INTERNATIONAL HERALD TRIBUNE (October 29, 1994)
AOO	J. KING, <u>Digitized Art Gallery Paints Retail's Future</u> , COMPUTERWORLD (November 28, 1994)
APP	TRAUB, <u>MTG: All Editions Rare and Uncommon Auction</u> , rec.games.deckmaster (May 9, 1994)
AQQ	TRAUB, <u>M:tG Auction (winding down) – Updated Number 77</u> , rec.games.deckmaster (January 24, 1995)
ARR	LEHMAN, <u>Lego Sale: Auczilla is here</u> , rec.toys.lego (February 26, 1995)
ASS	YIN, <u>2 Dark Boxes for auction on WWW</u> , rec.games.trading-cards.marketplace (May 29, 1995)
ATT	YIN, <u>An Automated Auction Engine for the WWW</u> , comp.infosystems.www.announce) June 6, 1995)
AUU	<a href="http://money.howstuffworks.com/credit-card.htm/printable">http://money.howstuffworks.com/credit-card.htm/printable</a>
AVV	Examiner's Answer, U.S. Patent Application Serial No. 08/427,820, July 19, 1999
AWW	Office Action Summary, U.S. Patent Application Serial No. 09/253,014, December 8, 2000

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AXX	Amendment, U.S. Patent Application Serial No. 09/253,014, February 2, 2001
AYY	Examiner Interview Summary Record, U.S. Patent Application Serial No. 09/253,014, January 23, 2001
AZZ	Decision on Appeal, U.S. Patent Application Serial No. 09/253,014, February 4, 2004
AAAA	Amendment, U.S. Patent Application Serial No. 09/253,021, July 28, 2000
ABBB	Order and Opinion, MercExchange LLC v. eBay, Inc., et al., Civil Action No. 2:01cv736, October 21, 2002
ACCC	Patent Application "Consignment Nodes", U.S. Patent Application Serial No. 08/427,820, April 26, 1995
ADDD	Patent Application "Consignment Nodes", U.S. Patent Application Serial No. 08/554,704, November 7, 1995
AEEE	"Consignment Nodes" (red-line)
AFFF	Order and Opinion, MercExchange, LLC v. eBay, Inc., et al., civil Action No. 2:01cv736, October 18, 2002
AGGG	Order and Opinion, MercExchange, LLC v. eBay, Inc., et al., Civil Action No. 2:01cv736, January 13, 2003
AHHH	Order and Opinion, MercExchange, LLC v. eBay, Inc., et al., Civil Action No. 2:01cv736, April 3, 2003
AIII	Orders Granting Reexamination of (1) U.S. Patent No. 6,085,176 and (2) U.S. Patent No. 5,845,265; PAIR printout for U.S. Patent 6,202,051
AJJJ	Office Action, U.S. Patent Application Serial No. 09/253,021, June 7, 2000
AKKK	Preliminary Amendment, "Method and Apparatus for Facilitating Internet Commerce Through Internetworked Markets and Auctions", February 19, 1999
ALLL	Examiner Interview Summary Record, July 26, 2000
AMMM	Decision on Appeal, U.S. Patent Application Serial No. 08/427,820, September 29, 2003
ANNN	Office Action, U.S. Patent Application Serial No. 09/166,779, July 5, 2000
AOOO	Office Action, U.S. Patent Application Serial No. 09/166,779, June 15, 2001
APPP	Bazeley, "UBid marketing itself as legally safer than eBay", Mercury News, June 12, 2004
AQQQ	Order and Opinion, MercExchange, LLC v. eBay, Inc., et al., Civil Action No. 2:01cv736, August 6, 2003
ARRR	Kupfer, Software 'Agents' Will Make Life Easy, FORTUNE, January 24, 1994, pp. 72-73
ASSS	Trial Proceedings, MercExchange, LLC v. eBay, Inc., et al., Civil Action No. 2:01cv736, Volume 18B, Pages 3167-3234, May 16, 2003
ATTT	Trial Proceedings, MercExchange, LLC v. eBay, Inc., et al., Civil Action No. 2:01cv736, Volume 7B, Pages 1311-1416, May 1, 2003
AUUU	LEWIS, Gallery-Hopping - and Shopping - via PCT, Bits & Bytes, Business Week, December 5, 1994, No. 3401, p. 1

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AVVV	Electronic Market Newsletter, October 1993, No. 9/10, pp. 1-36
AWWW	Amendment, U.S. Patent Application Serial No. 08/554,704, December 12, 1997
AXXX	Trial Proceedings, MercExchange, LLC v. eBay, Inc., et al., Civil Action No. 2:01cv736, Volume 13A, Pages 2326-2436, May 9, 2003
AYYY	Trial Proceedings, MercExchange, LLC v. eBay, Inc., et al., Civil Action No. 2:01cv736, Volume 16A, Pages 2878-2972, May 14, 2003
AZZZ	Trial Proceedings, MercExchange, LLC v. eBay, Inc., et al., Civil Action No. 2:01cv736, Volume 2B, Pages 300-428, April 24, 2003
AAAAA	Office Action, U.S. Patent Application Serial No. 09/264, 573, August 3, 1999
ABBBB	Amendment, U.S. Patent Application Serial No. 09/264,573, September 14, 1999
ACCCC	Trial Proceedings, MercExchange, LLC v. eBay, Inc., et al., Civil Action No. 2:01cv736, Volume 2A, Pages 214-299, April 24, 2003
ADDDD	Trial Proceedings, MercExchange, LLC v. eBay, Inc., et al., Civil Action No. 2:01cv736, Volume 3A, Pages 428-529, April 25, 2003
AEEEE	Trial Proceedings, MercExchange, LLC v. eBay, Inc., et al., Civil Action No. 2:01cv736, Volume 4A, Pages 620-745, April 28, 2003
AFFFF	Trial Proceedings, MercExchange, LLC v. eBay, Inc., et al., Civil Action No. 2:01cv736, Volume 5A, Pages 863-965, April 29, 2003
AGGGG	Trial Proceedings, MercExchange, LLC v. eBay, Inc., et al., Civil Action No. 2:01cv736, Volume 15B, Pages 2779-2877, May 13, 2003
AHHHH	Trial Proceedings, MercExchange, LLC v. eBay, Inc., et al., Civil Action No. 2:01cv736, Volume 19A, Pages 3235-3339, May 19, 2003
AIIII	Trial Proceedings, MercExchange, LLC v. eBay, Inc., et al., Civil Action No. 2:01cv736, Volume 19B, Pages 3340-3435, May 19, 2003
AJJJJ	Trial Proceedings, MercExchange, LLC v. eBay, Inc., et al., Civil Action No. 2:01cv736, Volume 21A, Pages 3487-3569, May 21, 2003
AKKKK	Appellant's Brief under 37 CFR 1.192, U.S. Patent Application Serial No. 08/427,820, March 12, 1999.
ALLLL	Borland's Paradox for Windows User's Guide, Borland International, Inc., 1994
AMMMM	"Wholesale Showroom Opens to Public", Miami Herald; FINAL Section: HOME & DESIGN, pg. 6H, October 21, 1984
ANNNN	Cummings, <u>Stealing the Real Estate Spotlight</u> , Business Journal of New Jersey, vol. 3, no. 6, p. 37
AOOOO	Borman et al., <u>Electronic Agricultural Auctions in the United Kingdom</u> , Electronic Markets Newsletter of the Competence Centre Electronic Markets – University of St. Gallen – Institute for Information Management, No. 9/10, pp. 27-28 (October 1993)
APPPP	<u>Terrific Computer Hardware &amp; Software Bargains Benefit WGBH Channel 2</u> , on DELPHI/Boston, New for February 1987
AQQQQ	DuBois, <u>Better Impression: Art Market Continues to Show Recovery Signs</u> , Barron's National Business and Financial Weekly, v. 72, no. 20, pp. 18 (1992)
ARRRR	Protest Under 37 CFR § 1.291(a), U.S. Patent Application Serial No. 09/253,014, filed June 18, 2004

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QQQQQQQQ	"Acid Rain Auctions Is Successful," American Metal Market, Volume 103 No. 69, April 11, 1995
RRRRRRRR	"Active Message Processing Messages as Messengers," (Illegible) Centre for Mathematics and Computer Science, Report CSR9035 August
SSSSSSSS	"Ameritech Library Services Unveils Webpac at ALA," PR Newswire, June 27, 1995
TTTTTTTT	"An Analysis and Recommendation for the Terms of the Reclaim Trading Credit," Report submitted to South Coast Air Quality Management District, Contract No. R-C93074, April 27, 1993
JUUUUUUU	"Anonymous Delivery of Goods in Electric Commerce," <u>IBM Technical Disclosure Bulletin</u> , March 1996, Volume 39, No. 3, p. 363-364.
VVVVVVVV	"Anonymous Delivery of Goods in Electronic Commerce (Continued)," <u>IBM Technical Disclosure Bulletin</u> , March 1996, Volume 39, No. 3, p.365-366
WWWWWW	"AT&T PersonaLink Services to Use Intelligent Network Assistants," AT&T, January 6, 1994
XXXXXXXX	"Bank Card Originated Messages - Interchange Message Specifications - Content for Financial Transaction," <u>International Standard</u> , 1987
YYYYYYYY	"Big Players Team Up To Provide Affordable Web Security Standards," <u>Electronic Marketplace Report</u> , April 18, 1995, Vol.9, No.5, Simba Information, Inc.
ZZZZZZZZ	"BookIt!," Web Ventures 1996, <a href="http://www.webventures.com">http://www.webventures.com</a>

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BBBBBBB	"Business Plan for Intermart", <u>Intermart</u> , July 13, 1994
CCCCCCC	"Business Plan for Intermart," Intermart, August 18, 1994, p. 1-27.
DDDDDDD	"Cashing in on Cyberspace Tribune's Big Stake in Interactive," <u>NewsInc.</u> , November 27, 1995, Volume 7, No. 23
EEEEEEEE	"Central Motor Auction in Strategic Alliance with MITAC: 2," <u>Extel Examiner</u> , October 28, 1994
FFFFFFFF	"Checkfree Corp and Internet Provider Go For Secure Access," <u>Information Access Company</u> , February 1, 1995, Gralla Publications, U.S.
GGGGGGG	"Chicago Firm Offers Internet Brokerage Services," <u>Simba Information, Inc., Media Daily</u> , December 21, 1994, Section No. 342, Volume 2
HHHHHHH	"Cig Search BOTS," January 27, 2002
IIIIIIII	"Competition in the Dutch Flower Markets," November 6, 2001
JJJJJJJJ	"CompuServe's Big Push Will Impact Online Commerce," <u>Electronic Information Report</u> , August 8, 1995, Vol.9, No.15, Simba Information, Inc.
KKKKKKK	"Computer museum holds an internet auction," CMP 2000; 5/9/94
LLLLLLLL	"Earth Day Ala Internet International Superstars Give Autographed Poster to Save the Earth--Silent Auction at San Francisco CA Artrock Gallery Will be Open to 26 Million Internet Users April 22 Through May 21," Business Wire, February 10, 1995
MMMMMM	"Earth Day on the Internet--Rockers and Performances Give Autographed Posters to Save the Earth," Newswire, March 14, 1995, PR News Wire Assoc., Inc.
NNNNNNN	"EIT computer museum: first-ever internet auction produces results for the computer museum." Business Wire, 4/28/94.
OOOOOOO	VERNON L. Smith et al., "Experimental market economics," September 1991 (edited version in 12/92 issues of Scientific American).
PPPPPPPP	SHARP, Amy, "From army knives to gold coins, collectors attend 'on-line' auctions," Memphis Business Journal v. 8(10) s1, p. 10, 7/28/86.
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RRRRRRR	"Google Newsgroup RE: Press/Digital and Open Market Partner to do Business Over the Internet," Digital Press & Analysis News, November 7, 1994
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UUUUUUU	"Intermart Database Schemas," <u>Intermart</u> , February 7, 1995, Volume 5, p. 1-13
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XXXXXXO	"Network General Buy Propels McAfee Into Top 10," <u>Software Industry Report</u> , October 20, 1997, Volume 29, No. 20.
YYYYYYY	"New Issues - Checkfree: New and Noteworthy," <u>Emerging and Special Situations</u> , September 18, 1995, Volume 15, No. 9, McGraw-Hill Publishing
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AAAAAAA	"Online Marketplace '95 - Marketing & Transactions 04/19/1995," <u>Newsbytes News Network</u> , April 19, 1995, Chicago, IL
BBBBBBBB	"Part II: Information Companies Invest to Gain Competitive Edge," <u>Electronic Information Report</u> , February 28, 1997, Volume 18, No. 8.
CCCCCCCC	"PAWWS to Announce New Portfolio Management Challenge, On-Line," <u>M2 Communications, Ltd.</u> , October 11, 1994
DDDDDDD	"Personal Optimized Decision/Transaction Program," <u>IBM Technical Disclosure Bulletin</u> , January 1995, Volume 38, No. 1, p. 83-84.
EEEEEEEE	"Prodigy outlines Internet Plans, Launches Services 09/24/94," <u>Newsbytes News Network</u> , September 29, 1994
FFFFFFF	"Save the earth foundation: Internet auction online rock and roll art auction celebrating earth day is declared open to the world for one month," <u>Business Wire</u> 4/24/95
GGGGGGG	"Save the earth foundation: the first ever autographed concert poster auction via the internet." <u>BW</u> 1999, 4/17/95.
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IIIIIIII	"Spry's Air Mosaic Express Provides Internet Access to World Wide Web," <u>The PC Netter</u> , December 1, 1994, Volume 9, No. 12
JJJJJJJJ	"The MD5 Message Digest Algorithm," <u>Network Working Group</u> , April 1, 1992, MIT Laboratory for Computer Science and RSA Data Security, Inc.
KKKKKKK	"Tribune Co. Emerges as Big Interactive Services Player," <u>Electronic Information Report</u> , October 6, 1995, Vol.16, No.43, Simba Information, Inc.
LLLLLLLL	"Tribune Co. Seeks Next-Generation Media," <u>Venture Capital Journal</u> , August 1, 1995
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NNNNNNN	"A Quick Guide to Last Minute Weekend Entertainment," <u>Chicago Sun Times-News</u> -48 hours, April 16, 1994
OOOOOOO	"A Quick Tour: A Summary of Approaches," <u>EDventure Holdings, Inc.</u> , January, 24, 1995, Vol.95, No.1, ISSN:1047-935X
PPPPPPP	"AOL Members Even Better Than They Look," <u>Newsbytes News Network</u> , January 28, 1994
QQQQQQQ	"Aucnet USA to Use GM Hughes Satellite for Auto Auctions," <u>Dow Jones &amp; Co., Inc.</u> , February 9, 1994
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JUUUUUUU	"Car Auctions Via Business TV To Debut Plans to Launch an Online Used Car Auction Service," <u>Network World</u> , July 25, 1994, ISSN:0887-7661
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AAAAAAA	"Downtown Anywhere Visitors Center," <u>Downtown Anywhere Inc.</u> , March 12, 2002
BBBBBBBBB	"EFT Issues: EFT Heads Down a New Payments Path," Bank Network News, September 25, 1994, Faulkner & Gray Inc., ISSN: 1063-4428
CCCCCCCCC	"Electronic Shopping War Heats Up," <u>Corporate EFT Report</u> , November 16, 1994, Vol.14, Issue 22
DDDDDDDD	"Farmers Plugging Into Electronic Cattle Ring," The Financial Post (Toronto), Weekly Edition, Section 4, January 1, 1994, p. S11
EEEEEEEE	"FCC Will Allow Remote Electronic Bidding in October 26 Narrowband PCS Auction," Common Carrier Week, October 10, 1994
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NNNNNNNN	"Japan's Largest Commercial Video Selects Spar Satellite Transmission Equipment," Canadian News Wire, May 10, 1994
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AV	January 23, 2002, MercExchange Interrogatories to eBay seeking the bases of its invalidity defenses.
AW	February 22, 2002, eBay's response to MercExchange's Interrogatories disclosing over 100 patents and 214 so-called "publications" including the following documents: (1) U.S. Patent No. 4,789,928 to Fujisaki (the "Fujisaki Patent"); (2) U.S. Patent No. 5,283,731 to Lalonde et al. (the "Lalonde Patent"); (3) U.S. Patent No. 5,285,383 to Lindsey et al. (the "Lindsey Patent"); (4) U.S. Patent No. 5,424,944 to Kelly et al. (the "Kelly Patent"); and (5) U.S. Patent No. 5,664,111 to Nahan et al. (the "Nahan Patent").
AX	June 28, 2002, eBay's compulsory disclosure under 35 U.S.C. §282, which included over 165 patents and 500 so-called "publications" including the following documents: (1) the Fujisaki Patent; (2) the Lalonde Patent; (3) the Lindsey Patent; (4) the Kelly Patent; (5) U.S. Patent No. 6,049,785 to Gifford (the "Gifford Patent"); (6) U.S. Patent No. 5,402,336 to Spiegelhoff et al. (the "Spiegelhoff Patent"); (7) the Davis and Lagoze article; and (8) the Keller et al. summary entitled " <i>A Smart Catalog And Brokering Architecture For Electronic Commerce</i> " (the "Keller summary").
AY	August 30, 2002, eBay's Second Supplemental Response to MercExchange's Interrogatories providing additional alleged "prior art" upon which it would rely at trial to support its invalidity defenses under §§ 102 and 103.
AZ	March 21, 2003, eBay's supplemental Section 282 statement citing additional alleged "prior art." Again, this disclosure included the following documents: (1) the Gifford Patent; (2) the Lindsey Patent; (3) the Lalonde Patent; (4) the Kelly Patent; (5) the Nahan Patent; (6) a Fortune magazine article by Kupfer entitled " <i>Software 'Agents' Will Make Life Easier</i> " (the "Kupfer article"); (7) the Keller summary; (8) the Spiegelhoff Patent; (9) a videotape produced by Honicorp, Inc., and narrated by Edwin Newman (the "Honicorp video"); and (10) the transcript to a Today Show segment with Kenneth Nahan, a named inventor of the Nahan Patent.
AAA	March 31, 2003, eBay's Pretrial Disclosures which included its proposed trial exhibit list. <i>That exhibit list contained the same alleged "prior art" patents and "publications" upon which eBay now relies in its Requests for Reexamination.</i>
ABB	April 24, 2003, Final Pretrial Order of the District Court. <i>That Final Pretrial Order included the same materials upon which eBay relies in its Requests for Reexamination.</i>
ACC	February 26, 2003, Judgment And Order executed by the Federal District Court for the Eastern District of Virginia of ReturnBuy.com, Inc., <i>inter alia</i> , admitting validity and infringement of U. S. Patent No. 5,845,265
ADD	<i>The district court's Final Pretrial Order included as triable issues the alleged invalidity of MercExchange's '265 and '176 Patents under Sections 102 and 103.</i>
AEE	Jury Verdict of validity and infringement of 41 claims of the '265 and '176 Patents.
AFF	Trial Transcript at 2252-2495, 2584-3120 validity contentions concerning the art of record.
AGG	June 12, 2003, eBay's Renewed Motions for Judgment as a Matter of Law and for a new trial, <i>asserting, again, invalidity of the '265 and '176 Patents.</i>
AHH	August 6, 2003, Final Judgment of the Federal District Court of the Eastern District of Virginia <i>finding that there was substantial evidence supporting the jury's verdict that MercExchange's '265 and '176 Patents were not invalid.</i>
AII	August 20, 2003, eBay's Notice of Appeal with the United States Court of Appeals for the Federal Circuit.
AJJ	January 6, 2004, eBay's Appeal Brief with the Federal Circuit (corrected brief).
AKK	March 31, 2004, MercExchange response to eBay's Appeal Brief (corrected brief).

PTO-892: All references are not being furnished with this office action (See MPEP 707.05(a)).

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AZ	Declaration of Choy Heng-Wah Regarding BidBroker Software -- an Electronic Auction System filed in <i>MercExchange, LLC v. eBayInc., et al.</i> , Case No. 2:01-CV-736 (E.D. Va) dated March 8, 2002
AAA	Transcript from the videotaped deposition of Perry Blankley taken on June 28, 2002
ABB	Transcript from the videotaped deposition of Jay Mintz taken on June 27, 2002
ACC	Acorn Collectors Service Network advertisement
ADD	<u>Coin Trading to Begin on Acorn Network</u> , COIN WORLD (June 4, 1986)
AEE	<a href="http://www.webopedia.com/TERM/d/daemon.html">http://www.webopedia.com/TERM/d/daemon.html</a>
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AYY	Examiner Interview Summary Record, U.S. Patent Application Serial No. 09/253,014, January 23, 2001
AZZ	Decision on Appeal, U.S. Patent Application Serial No. 09/253,014, February 4, 2004
AAAA	Amendment, U.S. Patent Application Serial No. 09/253,021, July 28, 2000
ABBB	Order and Opinion, MercExchange LLC v. eBay, Inc., et al., Civil Action No. 2:01cv736, October 21, 2002
ACCC	Patent Application "Consignment Nodes", U.S. Patent Application Serial No. 08/427,820, April 26, 1995
ADDD	Patent Application "Consignment Nodes", U.S. Patent Application Serial No. 08/554,704, November 7, 1995
AEEE	"Consignment Nodes" (red-line)
AFFF	Order and Opinion, MercExchange, LLC v. eBay, Inc., et al., civil Action No. 2:01cv736, October 18, 2002
AGGG	Order and Opinion, MercExchange, LLC v. eBay, Inc., et al., Civil Action No. 2:01cv736, January 13, 2003
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AKKK	Preliminary Amendment, "Method and Apparatus for Facilitating Internet Commerce Through Internetworked Markets and Auctions", February 19, 1999
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AQQQ	Order and Opinion, MercExchange, LLC v. eBay, Inc., et al., Civil Action No. 2:01cv736, August 6, 2003
ARRR	Kupfer, Software 'Agents' Will Make Life Easy, FORTUNE, January 24, 1994, pp. 72-73
ASSS	Trial Proceedings, MercExchange, LLC v. eBay, Inc., et al., Civil Action No. 2:01cv736, Volume 18B, Pages 3167-3234, May 16, 2003
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AWWW	Amendment, U.S. Patent Application Serial No. 08/554,704, December 12, 1997
AXXX	Trial Proceedings, MercExchange, LLC v. eBay, Inc., et al., Civil Action No. 2:01cv736, Volume 13A, Pages 2326-2436, May 9, 2003
AYYY	Trial Proceedings, MercExchange, LLC v. eBay, Inc., et al., Civil Action No. 2:01cv736, Volume 16A, Pages 2878-2972, May 14, 2003
AZZZ	Trial Proceedings, MercExchange, LLC v. eBay, Inc., et al., Civil Action No. 2:01cv736, Volume 2B, Pages 300-428, April 24, 2003
AAAAA	Office Action, U.S. Patent Application Serial No. 09/264, 573, August 3, 1999
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ADDDD	Trial Proceedings, MercExchange, LLC v. eBay, Inc., et al., Civil Action No. 2:01cv736, Volume 3A, Pages 428-529, April 25, 2003
AEEEE	Trial Proceedings, MercExchange, LLC v. eBay, Inc., et al., Civil Action No. 2:01cv736, Volume 4A, Pages 620-745, April 28, 2003
AFFFF	Trial Proceedings, MercExchange, LLC v. eBay, Inc., et al., Civil Action No. 2:01cv736, Volume 5A, Pages 863-965, April 29, 2003
AGGGG	Trial Proceedings, MercExchange, LLC v. eBay, Inc., et al., Civil Action No. 2:01cv736, Volume 15B, Pages 2779-2877, May 13, 2003
AHHHH	Trial Proceedings, MercExchange, LLC v. eBay, Inc., et al., Civil Action No. 2:01cv736, Volume 19A, Pages 3235-3339, May 19, 2003
AIIII	Trial Proceedings, MercExchange, LLC v. eBay, Inc., et al., Civil Action No. 2:01cv736, Volume 19B, Pages 3340-3435, May 19, 2003
AJJJJ	Trial Proceedings, MercExchange, LLC v. eBay, Inc., et al., Civil Action No. 2:01cv736, Volume 21A, Pages 3487-3569, May 21, 2003
AKKKK	Appellant's Brief under 37 CFR 1.192, U.S. Patent Application Serial No. 08/427,820, March 12, 1999
ALLLL	Borland's Paradox for Windows User's Guide, Borland International, Inc., 1994
AMMMM	"Wholesale Showroom Opens to Public", Miami Herald; FINAL Section: HOME & DESIGN, pg. 6H, October 21, 1984
ANNNN	Cummings, <u>Stealing the Real Estate Spotlight</u> , Business Journal of New Jersey, vol. 3, no. 6, p. 37
AOOOO	Borman et al., <u>Electronic Agricultural Auctions in the United Kingdom</u> , Electronic Markets Newsletter of the Competence Centre Electronic Markets -- University of St. Gallen -- Institute for Information Management, No. 9/10, pp. 27-28 (October 1993)
APPPP	<u>Terrific Computer Hardware &amp; Software Bargains Benefit WGBH Channel 2</u> , on DELPHI/Boston, New for February 1987
AQQQQ	DuBois, <u>Better Impression: Art Market Continues to Show Recovery Signs</u> , Barron's National Business and Financial Weekly, v. 72, no. 20, pp. 18 (1992)

AQ	September 26, 2001, MercExchange Complaint in the United States District Court for the Eastern District of Virginia (the "district court") for patent infringement against eBay, Half.com and Returnbuy.com, Inc. ("eBay et al.") asserting infringement of the '265 Patent and '176 Patent.
AR	November 7, 2001, defendant eBay et al. Answer to MercExchange's Complaint, <i>alleging affirmative defenses of invalidity based on 35 U.S.C. §102 (anticipation) and §103 (obviousness)</i> .
AS	November 21, 2001, MercExchange's motion to amend the Complaint to assert willful infringement.
AT	December 7, 2001, district court order granted MercExchange's motion for leave to file an Amended Complaint, and directed defendants to file a responsive pleading within 11 days.

PTO-892: All references are not being furnished with this office action (See MPEP 707.05(a)).

AU	December 18, 2001, eBay et al. answer to the Amended Complaint.
AV	January 23, 2002, MercExchange Interrogatories to eBay seeking the bases of its invalidity defenses.
AW	February 22, 2002, eBay's response to MercExchange's Interrogatories disclosing over 100 patents and 214 so-called "publications" including the following documents: (1) U.S. Patent No. 4,789,928 to Fujisaki (the "Fujisaki Patent"); (2) U.S. Patent No. 5,283,731 to Lalonde et al. (the "Lalonde Patent"); (3) U.S. Patent No. 5,285,383 to Lindsey et al. (the "Lindsey Patent"); (4) U.S. Patent No. 5,424,944 to Kelly et al. (the "Kelly Patent"); and (5) U.S. Patent No. 5,664,111 to Nahan et al. (the "Nahan Patent").
AX	June 28, 2002, eBay's compulsory disclosure under 35 U.S.C. §282, which included over 165 patents and 500 so-called "publications" including the following documents: (1) the Fujisaki Patent; (2) the Lalonde Patent; (3) the Lindsey Patent; (4) the Kelly Patent; (5) U.S. Patent No. 6,049,785 to Gifford (the "Gifford Patent"); (6) U.S. Patent No. 5,402,336 to Spiegelhoff et al. (the "Spiegelhoff Patent"); (7) the Davis and Lagoze article; and (8) the Keller et al. summary entitled " <i>A Smart Catalog And Brokering Architecture For Electronic Commerce</i> " (the "Keller summary").
AY	August 30, 2002, eBay's Second Supplemental Response to MercExchange's Interrogatories providing additional alleged "prior art" upon which it would rely at trial to support its invalidity defenses under §§ 102 and 103.
AZ	March 21, 2003, eBay's supplemental Section 282 statement citing additional alleged "prior art." Again, this disclosure included the following documents: (1) the Gifford Patent; (2) the Lindsey Patent; (3) the Lalonde Patent; (4) the Kelly Patent; (5) the Nahan Patent; (6) a Fortune magazine article by Kupfer entitled " <i>Software 'Agents' Will Make Life Easier</i> " (the "Kupfer article"); (7) the Keller summary; (8) the Spiegelhoff Patent; (9) a videotape produced by Honicorp, Inc., and narrated by Edwin Newman (the "Honicorp video"); and (10) the transcript to a Today Show segment with Kenneth Nahan, a named inventor of the Nahan Patent.
AAA	March 31, 2003, eBay's Pretrial Disclosures which included its proposed trial exhibit list. <i>That exhibit list contained the same alleged "prior art" patents and "publications" upon which eBay now relies in its Requests for Reexamination.</i>
ABB	April 24, 2003, Final Pretrial Order of the District Court. <i>That Final Pretrial Order included the same materials upon which eBay relies in its Requests for Reexamination.</i>
ACC	February 26, 2003, Judgment And Order executed by the Federal District Court for the Eastern District of Virginia of ReturnBuy.com, Inc., <i>inter alia</i> , admitting validity and infringement of U. S. Patent No. 5,845,265
ADD	<i>The district court's Final Pretrial Order included as triable issues the alleged invalidity of MercExchange's '265 and '176 Patents under Sections 102 and 103.</i>
AEE	Jury Verdict of validity and infringement of 41 claims of the '265 and '176 Patents.
AFF	Trial Transcript at 2252-2495, 2584-3120 validity contentions concerning the art of record.
AGG	June 12, 2003, eBay's Renewed Motions for Judgment as a Matter of Law and for a new trial, <i>asserting, again, invalidity of the '265 and '176 Patents.</i>
AHH	August 6, 2003, Final Judgment of the Federal District Court of the Eastern District of Virginia <i>finding that there was substantial evidence supporting the jury's verdict that MercExchange's '265 and '176 Patents were not invalid.</i>
AII	August 20, 2003, eBay's Notice of Appeal with the United States Court of Appeals for the Federal Circuit.
AJJ	January 6, 2004, eBay's Appeal Brief with the Federal Circuit (corrected brief).
AKK	March 31, 2004, MercExchange response to eBay's Appeal Brief (corrected brief).

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AL	<a href="http://groups-beta.google.com/group/misc.forsale.non-computer/messages/d45b835b280cfdd8?hl=en&amp;t...">http://groups-beta.google.com/group/misc.forsale.non-computer/messages/d45b835b280cfdd8?hl=en&amp;t...</a> , Omidyar, "AuctionWeb: Interactive Web Auction", 9/24/1995
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AW	<a href="http://groups.google.com/groups?num=100&amp;hl=en&amp;ie=ISO-8859-1&amp;oe=ISO-8859-1&amp;scoring=r&amp;as_drrb=b&amp;q=author%3Aaw@ebay.com&amp;btnG=Google+Search&amp;as_mind=1&amp;as_min=1&amp;as_miny=1996&amp;as_maxd=31&amp;as_maxm=3&amp;as_maxy=1996">http://groups.google.com/groups?num=100&amp;hl=en&amp;ie=ISO-8859-1&amp;oe=ISO-8859-1&amp;scoring=r&amp;as_drrb=b&amp;q=author%3Aaw@ebay.com&amp;btnG=Google+Search&amp;as_mind=1&amp;as_min=1&amp;as_miny=1996&amp;as_maxd=31&amp;as_maxm=3&amp;as_maxy=1996</a>
AX	<a href="http://groups.google.com/groups?hl=en&amp;ie=ISO-8859-1&amp;oe=ISO-8859-1&amp;selm=pierre-2409951422240001%40pierre.vip.best.com">http://groups.google.com/groups?hl=en&amp;ie=ISO-8859-1&amp;oe=ISO-8859-1&amp;selm=pierre-2409951422240001%40pierre.vip.best.com</a>
AY	<a href="http://groups.google.com/groups?num=50&amp;hl=en&amp;ie=ISO-8859-1&amp;oe=ISO-8859-1&amp;q=%22aw#ebay.com%22+bay&amp;area">http://groups.google.com/groups?num=50&amp;hl=en&amp;ie=ISO-8859-1&amp;oe=ISO-8859-1&amp;q=%22aw#ebay.com%22+bay&amp;area</a>
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ABB	<a href="http://groups-beta.google.com/group/alt.censorship/msg/a12befe479d7006a?q=pierre+author:pierre+aut...">http://groups-beta.google.com/group/alt.censorship/msg/a12befe479d7006a?q=pierre+author:pierre+aut...</a> , Google Groups: Alt.censorship
ACC	<a href="http://groups.google.com/groups?l=author:pierre%40netcom.com&amp;hl=en&amp;selm=1993Mar10.064848.2020%40netcom.com&amp;num=16">http://groups.google.com/groups?l=author:pierre%40netcom.com&amp;hl=en&amp;selm=1993Mar10.064848.2020%40netcom.com&amp;num=16</a> , Google Groups: Alt.personals.bondage, 5/18/2005
ADD	<a href="http://groups.google.com/groups?q=author:pierre%40netcom.com&amp;hl=en&amp;selm=pierre-0211941530410001%40pierre.slip.netcom.com&amp;num=5">http://groups.google.com/groups?q=author:pierre%40netcom.com&amp;hl=en&amp;selm=pierre-0211941530410001%40pierre.slip.netcom.com&amp;num=5</a>
AEE	<a href="http://groups.google.com/groups?q=pierre+author:pierre+author:omidyar&amp;start=50&amp;hl=en&amp;scoring=r&amp;selm=1993Mar3.075423.16960%40netcom.com&amp;num=64">http://groups.google.com/groups?q=pierre+author:pierre+author:omidyar&amp;start=50&amp;hl=en&amp;scoring=r&amp;selm=1993Mar3.075423.16960%40netcom.com&amp;num=64</a>
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